

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE:

**TENTH AMENDED
GENERAL ORDER NO. 90-1**

**DISPOSITION OF UNCLAIMED
DIVIDENDS**

Issued at Cleveland, Ohio, this 6th day of December, 2006.

It appearing to the court that pursuant to 11 U.S.C. Section 347(a) and 28 U.S.C. Chapter 129, property of a bankruptcy estate unclaimed ninety days after final distribution under Section 726, 1226, or 1326 of Title 11 shall be paid into the registry of the court; and

It further appearing that withdrawal of these funds is governed by 28 U.S.C. Section 2042.

IT IS THEREFORE ORDERED that the following provisions govern release of these funds:

1. Use of the form Petition for Unclaimed Funds and Order Thereon and Exhibit A is required. Any deviation from the standardized petition and exhibit must be explained in bold-faced type within the body of the submitted document.

2. If the claimant or the person authorized to act on behalf of the claimant is an attorney, the petition, exhibit, and all other pleadings and papers shall be filed electronically according to the procedures established by the court, as prescribed by General Order 03-1, as it may be amended.

3. If the claimant or the person authorized to act on behalf of the claimant is not an attorney, the petition, exhibit, and all other pleadings and papers must be filed on paper.

4. Ten (10) days following receipt of the above documentation, the Clerk shall refer the proposed order to the appropriate Judge.

Any payment made to a claimant will be issued to the claimant. If the claimant is represented, the payment will be mailed to the claimant's representative.

This amended order shall become effective on January 2, 2007.

FOR THE COURT

/s/ Randolph Baxter

**RANDOLPH BAXTER
CHIEF JUDGE**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

In re:)	Case No.
)	
)	Chapter
)	
)	Judge
Debtors)	
)	PETITION FOR UNCLAIMED FUNDS AND ORDER THEREON
)	

_____, (the "Petitioner"), under penalty of perjury, declares that the following statements and information are true and correct:

1. _____, (the "Claimant") is a ☐ Debtor ☐ Creditor in the above-captioned case and was due to receive a distribution from the estate of the Debtor in the amount of \$_____.
2. The funds due Claimant were deposited with the Court by the Trustee pursuant to 11 U.S.C. § 347. A copy of the court order depositing the funds into the Treasury/Registry as unclaimed, or a copy of the receipt and attached list of parties entitled to the unclaimed funds or other supporting documentation, is appended to this Petition.
3. The Claimant's current name, address, and telephone number are:
Name:
Address:
Telephone Number:
4. The following checked statement applies:

☐ This Petition is being filed on paper, either by mail or in person, and the Claimant's Tax ID/Social Security Number and other required documentation are being submitted separately with Exhibit A.

- ☐ This Petition is being filed electronically via the Court's Electronic Case Filing system, and the Claimant's Tax ID/Social Security Number and other required documentation are being submitted separately as private docket events with Exhibit A.

5. The following checked statement applies:

- ☐ Petitioner is the Claimant.
- ☐ Petitioner is the duly authorized attorney for the Claimant.
- ☐ Petitioner is an employee of the Claimant.
- ☐ Petitioner is the lawful attorney-in-fact of the Claimant. Petitioner is aware of all pertinent state law requirements regarding such powers of attorney.
- ☐ Petitioner is a duly authorized representative of the estate of the Claimant, who is deceased.
- ☐ The above subparagraphs do not apply, but Petitioner is entitled to payment of such monies because (state basis for claim):
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-
-

6. Upon sufficient inquiry, and upon Claimant's information and belief, this claim has not been previously paid, no other petitions or requests for payment are pending, and there are no other parties other than Claimant entitled to these funds.
7. Petitioner understands that pursuant to 18 U.S.C. § 152, a fine or imprisonment, or both, may be imposed if Petitioner has knowingly and fraudulently made any false statements in this document.
8. Petitioner has served a copy of the Petition for Unclaimed Funds and Order Thereon, Exhibit A, and all attached documents by regular U.S. Mail this ____ day of _____, _____ to the United States Attorney for the Northern District of Ohio, Carl B. Stokes United States Courthouse, 801 West Superior Avenue, Suite 400, Cleveland, Ohio. The United States Attorney is allowed 10 days from the date of service to file an objection to payment of these funds.

9. WHEREFORE, pursuant to 11 U.S.C. § 347 and 28 U.S.C. § 2042, Petitioner requests that the Court issue an Order directing payment to the Claimant in the amount of \$_____, and that payment be made in care of the party set forth below.

Respectfully submitted,

Petitioner's Signature (Bar Number if Attorney)

Petitioner's Address

Petitioner's Phone Number

IT IS SO ORDERED.

#

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

In re:)	Case No.
)	
)	Chapter
)	
)	Judge
Debtors)	

If Petitioner is an attorney:

- Claimant's Tax ID/ Social Security Number is _____.
- If the current Claimant is not the original holder of the claim, documentation of ownership must be attached. If applicable, this includes proof of any sale of the company, new and prior owner(s), and a copy of the terms of any purchase agreement or stipulation by prior and new owners of right of ownership to the unclaimed fund. If the claim has been assigned, this includes copies of all documents evidencing assignment.

If Petitioner is not an attorney:

- Claimant's Tax ID/ Social Security Number is _____.
- If Petitioner is an employee of the Claimant, an affidavit of the Claimant or authorized representative of the Claimant authorizing the Petitioner to file the Petition must be attached.
- If Petitioner is the lawful attorney-in-fact of the Claimant, an original power of attorney authorizing the Petitioner to file the Petition must be attached.
- If Petitioner is a duly authorized representative of the estate of a deceased Claimant, certified copies of probate documents substantiating Petitioner's right to act on behalf of the decedent's estate must be attached.
- Claimant, or the person authorized to act on behalf of the claimant with power of attorney or other required written authorization, must attach proof of identification, i.e., a valid driver's license or unexpired passport. If the Claimant or person authorized to act on behalf of the Claimant does not appear in person, an affidavit of the Claimant or person authorized to act on behalf of the Claimant attesting to the authenticity of the proof of identification must also be attached.

- If the current Claimant is not the original holder of the claim, documentation of ownership must be attached. If applicable, this includes proof of any sale of the company, new and prior owner(s), and a copy of the terms of any purchase agreement or stipulation by prior and new owners of right of ownership to the unclaimed fund. If the claim has been assigned, this includes copies of all documents evidencing assignment.

Petitioner's Signature (Bar Number if Attorney)

Petitioner's Address

Petitioner's Phone Number